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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,181	02/22/2002	Armand Nachef	T2146-907758	7549
181	7590	03/23/2005	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			BHATTACHARYA, SAM	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/069,181	Applicant(s) NACHEF, ARMAND	
	Examiner Sam Bhattacharya	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 4 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20050318</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 2/22/02 has been considered by the examiner.

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed on 2/22/02 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bottan et al. (US Patent Application Publication No. 2002/0042846 A1).

Regarding claim 1, Bottan discloses a method for processing digital data in a mobile telephone network comprising a mobile unit 112 operatively connected to a smart card having an embedded chip, said chip having an information processor and a data storage unit, said data storage unit including a reporter-type application program, said method comprising: receiving, in a remote server 101, an event sent from a mobile unit; and delegating, in response to receiving said event, execution of a smart-card operation to an additional application program stored in a data storage unit 107 of the remote server. See FIG. 1, paragraph [0010], lines 1-5 and paragraph [0025], lines 10-14.

Regarding claim 2, Bottan discloses that the data storage unit of the smart card stores at least one program for controlling said mobile unit by sending commands and for reacting to events sent from the mobile unit, said program for reacting to said events executing instructions associated with said events, in order to perform functionalities associated with at least one predetermined application. See paragraph [0022], lines 10-15.

Regarding claims 3, 9 and 16, Bottan discloses that the reporter-type application program retransmits to the remote server a data characteristic of said event received from said mobile unit, and wherein the additional application program in the remote server executes, upon reception of said data characteristic, at least one of said instructions associated with said at least one predetermined application, and retransmits results of said execution to said mobile unit to said embedded chip in the smart card. See paragraphs [0107] and [0108].

Regarding claims 5, 10, 18 and 19, Bottan discloses that the additional application program stored in the remote server is a master-type application program, wherein a slave-type application program is stored in said storage unit of said embedded chip of the smart card,

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wherein said slave-type application program receives commands from the master-type application program and executes said commands using said information processor of said embedded chip of the smart card, and wherein said slave-type application program retransmits results of said execution of commands to the master-type application program. See paragraph [0160], lines 8-16.

Regarding claims 6, 11, 13 and 20, Bottan discloses that at least one of the reporter-type application program and the slave-type application program is an autonomous-type application program which directly executes a pre-established part of said at least one predetermined application in said embedded chip of the smart card. See paragraph [0160], lines 16-20.

Regarding claim 7, Bottan discloses that said mobile telephone network complies with a GSM standard, and wherein said reporter-type application program complies with a GSM 1 1.14 standard. See paragraph [0149], lines 19-21.

Regarding claim 8, Bottan discloses that said telephone network includes at least two distinct transmission channels, one being a voice data channel and another being a message channel, and wherein said transmitted digital data includes messages of a short type comprising 140 octets or 160 septets transmitted through said message channel. See paragraph [0111], lines 4-11.

Regarding claims 12, 14 and 15, Bottan discloses that the smart card is a SIM type card. See paragraph [0025], lines 10-15.

Allowable Subject Matter

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3. Claims 4 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose a combination of elements in a method for processing digital data in a mobile phone, including an embedded chip is under the control of an operating system, and wherein said remote server transmits said execution results including commands to said operating system of said embedded chip in order to perform a given operation, and wherein results of said given operation are retransmitted to the remote server, as in claims 4 and 17.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ritter (US 6,859,650) discloses a mobile device having a SIM card, communicating with a telecommunications network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


SONNY TRINH
PRIMARY EXAMINER